

United States District Court
Eastern District of California

UNITED STATES OF AMERICA
v.
MICHAEL LABRECQUE;
aka JOSEPH

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)
Case Number: **2:03CR00384-01**

Caro Marks, Asst. Federal Defender
Defendant's Attorney

THE DEFENDANT:

- ☐ pleaded guilty to count(s): ____.
- ☐ pleaded nolo contendere to counts(s) ____ which was accepted by the court.
- ☒ was found guilty on count(s) 1, 3, 4, 5, 6, 7, and 8 of the 2nd Superseding Indictment after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
See next page.			

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on counts(s) _ and is discharged as to such count(s).
- ☒ Count 9 of the 2nd Superseding Indictment dismissed by Court on 4/28/2008.
- ☒ Underlying Indictment and 1st Superseding Indictment are dismissed by District Court on motion of the United States.
- ☒ Appeal rights given. ☐ Appeal rights waived.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

April 20, 2009

Date of Imposition of Judgment



Signature of Judicial Officer

William B. Shubb, United States District Judge
Name & Title of Judicial Officer

April 24, 2009

Date

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<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. 2423(a) and 2	Interstate Travel of a Minor With the Intent of Engaging in Criminal Sexual Activity; Aiding and Abetting	9/1/1991	1
18 U.S.C. 2251A(b)(1) and (2)	Obtaining Custody of a Minor for the Purpose of Producing a Visual Depiction of Minor Engaged in Sexually Explicit Conduct; Aiding and Abetting	10/4/2001	3
18 U.S.C. 2423(a) and 2	Interstate Travel of a Minor With the Intent of Engaging in Criminal Sexual Activity; Aiding and Abetting	9/7/1999	4
18 U.S.C. 2423(a) and 2	Interstate Travel of a Minor With the Intent of Engaging in Criminal Sexual Activity; Aiding and Abetting	8/9/2000	5
18 U.S.C. 2423(a) and 2	Interstate Travel of a Minor With the Intent of Engaging in Criminal Sexual Activity; Aiding and Abetting	8/3/2001	6
18 U.S.C. 2423(a) and 2	Interstate Travel of a Minor With the Intent of Engaging in Criminal Sexual Activity; Aiding and Abetting	8/6/1998	7
18 U.S.C. 2423(a) and 2	Interstate Travel of a Minor With the Intent of Engaging in Criminal Sexual Activity; Aiding and Abetting	1/20/1999	8

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 180 months as to Counts 1, 4, 5, 6, 7, and 8, to be served consecutively to each other for a total term of 1,080 months; and Life as to Count 3, to be served concurrently to Counts 1, 4, 5, 6, 7 and 8, for a total term of Life.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district.
☐ at _ on _
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
☐ before _ on _
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Officer.
If no such institution has been designated, to the United States Marshal for this district.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 700	\$ 25,000	\$

☐ The determination of restitution is deferred until ____ . An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
<u>TOTALS:</u>	\$ ____	\$ ____	

☐ Restitution amount ordered pursuant to plea agreement \$ ____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ The interest requirement is waived for the ☐ fine ☐ restitution

☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

☐ If incarcerated, payment of the fine is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

☐ If incarcerated, payment of restitution is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A** ☐ Lump sum payment of \$ ___ due immediately, balance due
- ☐ not later than __, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal __ (e.g., weekly, monthly, quarterly) installments of \$ ___ over a period of __ (e.g., months or years), to commence __ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal __ (e.g., weekly, monthly, quarterly) installments of \$ ___ over a period of __ (e.g., months or years), to commence __ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within __ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States: